

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Koji YOKOI)	Examiner:	Abu Ali, Shuangyi
)		
Serial No:	10/517,463)	Art Unit:	11755
)		
Filing Date:	12/06/2004)	Confirmation no.:	1354
)		
For:	Porous Metal Oxide Material in Flake Form, Method for Producing the Same and Cosmetic, Coating Material, Resin Composition, Ink Composition and Paper Comprising the Same)	DECLARATION UNDER 37 CFR § 1.132	
)		
Attorney Docket:	SOHMEIPT1012)	Customer no.:	24943

DECLARATION UNDER 37 CFR §1.132

I, Koji Yokoi, a citizen of Japan hereby declare and state:

1. I represent the applicant of U.S. Patent Application Serial No. 10/517,463.
2. I am familiar with the references applied against the pending claims and the arguments asserted by the PTO in the Office Action mailed September 21, 2007 in connection with U.S. Patent Application Serial No. 10/517,463 entitled POROUS METAL OXIDE MATERIAL IN FLAKE FORM, METHOD FOR PRODUCING THE SAME AND COSMETIC, COATING MATERIAL, RESIN COMPOSITION, INK COMPOSITION AND PAPER COMPRISING THE SAME. This Declaration is being submitted to confirm the experimental results as described below in the Table, of which I have direct knowledge.

3. Results:

	Silica & Titania Flakes	Silica Flakes
Components	SiO ₂ :70%; TiO ₂ :30%	SiO ₂ :100%
	Specific surface area (m ² /g)	
Sintering temperature (800°,6 h)	182.9	111.8
Sintering temperature (850°,6 h)	167.5	82.2

4. Based on the results of these experiments, the claimed "porous metal oxide material in a flake form produced from silicon dioxide (SiO₂) and titanium dioxide (TiO₂)," in claims 1, 3, 6-17, having the specified "specific surface area of 130 to 3000 m²/g, an average particle diameter of 5 to 500µm, an average thickness of 0.1 to 5µm, an average aspect ratio of 5 to 300, and a peak fine pore diameter of 2 to 20 nm", is not inherently or necessarily found in the Saegusa reference (U.S. pat. no. 4,882,133). Saegusa is silent on teaching the claimed metal oxide and its specified surface area or pore size. The claimed metal oxide of both silicon dioxide (SiO₂) and titanium dioxide (TiO₂) flakes were tested against only SiO₂ flakes, as an example from Saegusa (Ex. 5). As shown by the resulting data, the specific surface area of the porous metal oxide material of "silicon dioxide (SiO₂) and titanium dioxide (TiO₂)" shows to have a different and higher specific surface area than that compared with only silicon dioxide (SiO₂), and thereby a much higher mechanical strength. The data thereby shows a significant difference between the claimed subject matter of claims 1, 3, 6, 6-17 and the disclosure of Saegusa.
5. I further declare that all statements made herein of my own knowledge are true and that all statements made upon information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18

of the United State Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Date: March 19, 2008

Koji Tokoi
(signature)

Name: Koji Tokoi